

REMARKS

Reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks is respectfully requested. Entry of the Amendment under Rule 116 is merited as it raises no new issues and requires no further search.

By this Amendment, claims 6 and 9 are amended. No new matter is presented in this Amendment.

Claims 6 and 7 stand rejected under 35 U.S.C. §103(a) over the alleged combination of Ballantine et al. (US 6,488,778), Shao et al. (US 6,437,290), Wu (US 20030235990), and Bottomfield (US 6,506,312). In addition, claim 8 stands rejected as obvious over Ballantine in view of Shao, Wu, and Bottomfield as applied to claim 6 and further in view of Tsao (US 4,752,815). In addition, claims 9 and 10 stand rejected as obvious over Ballantine in view of Shao, Wu, and Bottomfield as applied to claim 6 and further in view of Tsao and Beinglass (US 5,940,733). Still further, dependent claims 11-14 stand rejected as obvious under Ballantine in view of Shao, Wu, and Bottomfield, and further in view of one or more of Brabant et al. (US 2003/0036268), Chang et al. (US 5,043,299), Adetutu (US 5,958,508), Aoki (US 5,242,666), and Yamoto et al. (US 6,399,429).

In response, independent claims 6 and 9 are amended, and as presented below, are believed to be patentable over the applied art for the failure of the applied art to not only disclose, teach or suggest all of Applicants' recited claim features.

Independent claims 6 and 9 are amended to recite "wherein the upper portion and the lower portion of the second chamber have different pressures," (*see* Specification, page 9, lines 11-13 and page 11, lines 12-15). The alleged combination of applied references does not disclose, teach or suggest this feature.

Applicants respectfully submit that amended independent claim 6 and 9 are patentable at least due to the failure of the applied references to disclose, teach or motivate all recited features of the claims. Claims 7-8 and 10-14 depend variously from these independent claims and are likewise patentable over the asserted combination of references for at least their dependence on an allowable base claim, as well as for the additional features they recite. Accordingly, withdrawal of this rejection is respectfully requested.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the present application should be in condition for allowance and a Notice to that effect is earnestly solicited. Entry of the amendments is proper under 37 CFR §1.116 since the amendments place the application in condition for allowance (for the reasons discussed herein). The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the final rejection. Entry of the amendments is thus respectfully requested.

The Examiner is invited to telephone the undersigned, Applicants' attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,
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